

EXHIBIT

“A”

J. ETERNO

1 A. Yes.

2 Q. Assuming that the department physician, Dr. Jafo,
3 independently referred Schoolcraft to the department
4 psychiatrist, Dr. Lambstein, assume Jafo had observed that
5 Schoolcraft was exhibiting acute anxiety, secondary to
6 stress on the job, assume further that Lambstein
7 independently decided to place Schoolcraft on modified duty
8 requiring --

9 A. Restricted duty.

10 Q. I think they called it modified duty.

11 A. No, modified is when you are in trouble.

12 Q. Sorry, okay, restricted duty.

13 A. That's okay.

14 Q. So, restricted duty, and required his gun and
15 shield be taken, okay?

16 A. Yes.

17 Q. That Schoolcraft told Lambstein he had gone to
18 the hospital because he felt weak and had a thumping in his
19 chest.

20 Schoolcraft told Lambstein he had stomach
21 problems for the last six months, including diarrhea.
22 Schoolcraft told Lambstein he had trouble sleeping for the
23 last three months. That he told Lambstein he had been
24 having chest pains for approximately one year.

25 That he told Lambstein he likes his job, but

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1 hates where he is assigned, that he is not paranoid, and
2 does not suffer hallucinations, but wonders if he was
3 assigned to the 81st to get jammed up.

4 Lambstein saw Schoolcraft three times prior to
5 October 31st, in April, July and earlier in October. That
6 she recommended that Schoolcraft make an appointment with a
7 private doctor to address his stress and anxiety and anger
8 and resentment toward the job.

9 That Schoolcraft never followed the advice of
10 Lambstein, and never went to see any of the specialists she
11 had recommended. That Lambstein also decided each time she
12 saw Schoolcraft that it was in his best interest to remain
13 on restricted duty. That no one at the 81st Precinct was
14 told prior to October 31st why Schoolcraft was placed on
15 restricted duty.

16 That he left work on October 31st claiming not to
17 feel well. That he later revealed he left work, not
18 because he didn't feel well, because he felt menaced by one
19 of his supervisors, apparently because he was walking
20 around with his gun in his holster in the precinct in a way
21 that he thought suggested that he was about to do him harm.

22 He expressed the view that he thought this
23 officer, deputy control officer, was trying to lure him
24 into the back room of the precinct so he could do him harm.

25 Schoolcraft said he wished he had a gun so he

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1 could have a fair fight with that deputy control officer.
2 That he left work, ignored the desk sergeant when she told
3 him he did not have permission to leave.

4 That he recorded his entire tour from October
5 31st from 6:30 in the morning until he left around 2:30.

6 A. Is there a question here?

7 Q. There is going to be, in the end. You apparently
8 don't know a whole lot, so I'm going to try to ask you to
9 assume a whole lot that I understand to be so. And then
10 you are going to give me your opinion, okay?

11 He recorded his entire tour, he ignored the
12 efforts by the N.Y.P.D. to reach him on his cell phone
13 after he left.

14 The desk sergeant checked with the N.Y.P.D. sick
15 desk to see if he had gotten permission to leave and they
16 learned he had not gotten permission.

17 The 81st then sent an officer to his home to find
18 out if he was home and to establish contact with him.
19 Schoolcraft did not respond to those efforts to make
20 contact with him, despite being wide awake and knowing they
21 were trying to reach him.

22 That he participated in several telephone
23 conversations through the afternoon and the evening while
24 in his apartment, which he recorded, while ignoring the
25 efforts by the N.Y.P.D. personnel at the scene to speak

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1 with him.

2 That the N.Y.P.D., specifically Lauterborn,
3 proceeded to try to find other ways to confirm his location
4 and to reach him, including speaking with his father and
5 Dr. Lambstein.

6 That Lambstein called Schoolcraft while in his
7 apartment and left a voicemail message, which Schoolcraft
8 listened to and then recorded, in which she urged him to
9 communicate with her captain, or with her, so that the
10 situation could be quickly resolved and not escalate, and
11 that Schoolcraft chose to ignore that message.

12 That for six and-a-half hours Schoolcraft ignored
13 all efforts by the N.Y.P.D. to make contact with him,
14 despite being wide awake and fully aware of the efforts to
15 reach him. That in that period, Schoolcraft was in almost
16 constant contact with his father, discussing strategy on
17 what to do as the circumstances evolved.

18 In your opinion, assuming all I have stated is
19 true, does any of this support the conclusion that the
20 N.Y.P.D. made, that Schoolcraft was an E.D.P.?

21 MR. SMITH: Objection to the form.

22 A. I would need to know how much they knew when they
23 entered the apartment. All of this that you are telling
24 me, how much of this were they aware of when they entered
25 and did what they did?

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1 Q. Let me ask you this way. How consistent is that
2 behavior with the decision by the N.Y.P.D. to declare him
3 an E.D.P.?

4 MR. SMITH: Objection to the form.

5 A. As I said in my expert report, you need to show
6 mental illness and dangerousness. While I will agree that
7 this is bizarre behavior, I would not agree that this is
8 someone that should be forcibly brought to a hospital. I
9 would suspend him, I have no issue with that. However,
10 E.D.P.'ing him is a completely different matter.

11 Q. Let me assume further that before the N.Y.P.D.
12 personnel entered his apartment on the first occasion,
13 Schoolcraft recorded himself expressing his desire to his
14 father to be taken to the hospital, that before anyone
15 entered his apartment, Schoolcraft and his father were
16 talking on the phone.

17 And while Schoolcraft was running his recorder,
18 agreed Schoolcraft should agree to be sick. Schoolcraft
19 and his father discussed what sickness he should pretend to
20 have. Schoolcraft wondered whether he should pretend to
21 have cancer, while his father recommended that he say he
22 has diarrhea.

23 That once N.Y.P.D. personnel entered his
24 apartment, Schoolcraft explained he left work because he
25 wasn't feeling well. They advised him they wanted him to